



Agenda

Unscheduled Council Meeting

Tuesday 25 February 2025 at 6pm

Council Chamber,
25 Ferres Boulevard, South Morang



**City of
Whittlesea**

Councillors

Cr Aidan McLindon, Mayor	Kirrip Ward
Cr Daniela Zinni, Deputy Mayor	Bundoora Ward
Cr Nic Brooks	Thomastown Ward
Cr Blair Colwell	Mill Park Ward
Cr Lawrie Cox	Ganbul Gulinj Ward
Cr Deb Gunn	Painted Hills Ward
Cr Stevan Kozmevski	Lalor Ward
Cr Jarrod Lappin	Mernda Ward
Cr David Lenberg	Epping Ward
Cr Christine Stow	North Ward
Cr Martin Taylor	South Morang Ward

Executive Leadership Team

Craig Lloyd	Chief Executive Officer
Emma Appleton	Director Planning & Development
Agata Chmielewski	Director Community Wellbeing
Sarah Renner	Director Customer & Corporate Services
Debbie Wood	Director Infrastructure & Environment
Jacinta Stevens	Executive Manager Office of Council & CEO

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1 Opening

1.1 Meeting Opening and Introductions

The Mayor, Cr Aidan McLindon will open the meeting and introduce the Councillors and Chief Executive Officer:

Cr Daniela Zinni, Deputy Mayor

Cr Nic Brooks

Cr Blair Colwell

Cr Lawrie Cox

Cr Deb Gunn

Cr Stevan Kozmevski

Cr Jarrod Lappin

Cr David Lenberg

Cr Christine Stow

Cr Martin Taylor

Craig Lloyd, *Chief Executive Officer*

The Chief Executive Officer, Craig Lloyd will introduce members of the Executive Leadership Team:

Emma Appleton, *Director Planning and Development;*

Agata Chmielewski, *Director Community Wellbeing;*

Sarah Renner, *Director Corporate and Customer Services;*

Debbie Wood, *Director Infrastructure and Environment; and*

Jacinta Stevens, *Executive Manager Office of Council and CEO.*

1.2 Apologies

1.3 Acknowledgement of Traditional Owners Statement

The Mayor will read the following statement:

“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional Owners of lands within the City of Whittlesea.

I would also like to acknowledge Elders past, present and emerging.”

1.4 Diversity and Good Governance Statement

The Mayor will read the following statement:

“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community’s vision of A Place For All.”

2 Declarations of Conflict of Interest

3 Officers' Reports

3.1 Draft Election Period Policy

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Executive Manager Office of Council & CEO

Executive Summary

The purpose of this report is to seek Council's consideration and endorsement of the amendments made to the Election Period Policy (**Policy**) leading up to the impending Federal Election.

The amendments made to the Policy, as outlined in the Background/Key Information section of this report, are primarily enhancements to strengthen the obligations of Council officers should they nominate as a candidate in any local, state or federal election.

If Council resolve to adopt the draft Policy officers will commence community consultation seeking feedback between the period 26 February 2025 and 12 March 2025 in accordance with Council's Community Engagement Policy.

Officers' Recommendation

THAT Council:

- 1. Resolve to adopt and release the draft Election Period Policy (Policy) at Attachment 1 for community feedback between the period 26 February 2025 and 12 March 2025 via Council's Engage page.**
- 2. Note following the community feedback period, a subsequent report will be presented to Council seeking formal adoption of the Policy.**

Background / Key Information

Section 69 of the *Local Government Act 2020* requires an Election Period Policy (**Policy**) to be established and incorporated in Council's Governance Rules. The proposed amendments to the Policy have no impact on any aspect of the Governance Rules.

To ensure prospective candidates and nominated candidates, whether a Councillor or Council officer, maintain integrity leading up to and during an election, the draft Policy has been slightly amended to strengthen the requirements, primarily for any officers considering candidacy. The draft Policy also provides for minor administrative updates.

An example of amendments made to the Policy are:

- Councillors are prohibited from promoting their election campaign or individual policy positions during any Council meeting.
- Council officers are prohibited from approaching Councillors leading up to an election in attempt to gain an advantage or benefit in exchange for a formal decision to be made by the Council.
- A Councillor or Council officer must not place any election materials on or in any Council owned or operated facility or land.
- A Council officer will not use their position or their access to other Council officers and resources to gain media attention in support of an election campaign.

A markup version of the draft Policy is attached for Council's consideration.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

High Performing Organisation

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

Considerations of *Local Government Act (2020)* Principles

Financial Management

There are no costs associated with amending the Policy.

Community Consultation and Engagement

In accordance with Council's Community Engagement Policy, officers will seek community feedback on the draft Policy during the period 26 February to 12 March 2025.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

- (a) Council decisions are to be made and actions taken in accordance with the relevant law.
- (b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.
 - (i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.
- (b) Council information must be publicly available unless—
 - (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.
- (d) Public awareness of the availability of Council information must be facilitated.

Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

No implications.

Legal, Resource and Strategic Risk Implications

Seeking community feedback on the draft Policy complies with the requirements of the *Local Government Act 2020*.

Implementation Strategy

Communication

The draft Policy will be made available for community feedback via Council's Engage page.

Critical Dates

It is proposed that Council adopt the final Policy prior to the upcoming Federal Election.

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

Attachments

1. Draft Election Period Policy February 2025 [**3.1.1** - 11 pages]



Appendix 2 – Election Period Policy

Policy statement

This Policy has been developed in order to ensure that general elections and by-elections for the Council are conducted in a manner that is ethical, fair and equitable, and are publicly perceived as such.

It specifies procedures intended to ensure the Council makes appropriate decisions, takes appropriate actions or uses resources appropriately during the Election Period before a general election, a by election and at other times as specified in this policy.

Further, this policy:

- facilitates the continuation of the ordinary business of local government in the Council throughout the Election Period in a responsible and transparent manner;
- ensures the authority of an incoming council is not restricted by decisions to which it may find itself unreasonably bound and unable to change. This could include significant contractual matters;
- establishing procedures to ensure that access to information held by Council is made equally available and accessible to candidates during the Council, Federal or State elections;
- places limits on public consultation and the scheduling of Council events during the Election Period;
- requires that materials produced by the Council and Whittlesea Council must not contain matter that will affect voting at the election;
- sets out the requirements for a Councillor who is a candidate in an election, including a Council, Federal or State election.

Background

This policy has been prepared in accordance with the *Local Government Act 2020* ~~(Vic)~~ which requires Council to include an election period policy in its Governance Rules to be applied by Council during the election period, a by election and at other times as specified in this policy.

Scope

This Policy relates to the Council, Councillors, Council Committees, the CEO and Council officers, their behaviour and decision making during the 'caretaker' period.

This policy replaces and overrides any previous policy that refers to the Election Period.

Relevant Documents

All City of Whittlesea policies comply with:

Victorian Charter of Human Rights and Responsibilities
Local Government Act 2020 ~~(Vic)~~
Freedom of Information Act 1982 ~~(Vic)~~
 Public Transparency Policy



Procedural Guidelines

1. Application of Policy

Council will function in accordance with this Policy during the election period commencing at **noon, 21 days prior to ~~on Tuesday 17 September 2024 and ending 6pm on Saturday 26 October 2024~~ the fourth Saturday in October, or earlier if declared by the Minister for Local Government.**

1.1 Role of Chief Executive Officer

In addition to the CEO statutory responsibilities, the CEO has the following responsibilities in supporting the implementation and application of the Policy:

- All Councillors and Council Officers are informed of and supported in the application of this policy at least 30 days prior to the commencement of the Election Period;
- Make a public statement or media release that corrects inaccurate information or statements about Council made by candidates without naming the candidate, where they deem it appropriate; and
- Matters of Council business requiring decisions prohibited during the Election Period by this Policy or the Act are, where possible, scheduled for Council to enable resolution prior to the commencement of the Election Period or deferred where appropriate for determination by the incoming Council.

2. Decisions by Council

2.1.1 In accordance with section 69 of the Act Council is prohibited from making any decisions during the Election Period for a general election that:

- (a) relates to the appointment or remuneration of the CEO, but not to the appointment or remuneration of an Acting CEO;
- (b) commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;
- (c) the Council considers could be reasonably deferred until the next Council is in place; or
- (d) the Council considers should not be made during an Election Period.

2.1.2 Council is prohibited from making any Council decisions during the Election Period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

2.1.3 During the Election Period, the Council, a Committee of Council, the CEO, of Council officer acting under delegation will not:

- (a) approve, amend or repeal any policy, plan or strategy, including those contained in or related to the Whittlesea Council Planning Scheme, which has been adopted by the Council; or
- (b) use their position to influence Council officers, or access Council resources of information in support of any election campaign or candidacy.



2.1.4 A Council decision made in contravention of subsection (a) or (b) above is invalid under the Act.

2.1.5 Council can continue to make town planning decisions under the *Planning and Environment Act 1987* during the election period and they will still be processed in accordance with usual practices and statutory timelines.

2.2.1 Prohibition on Council

Council or a Council Officer under delegation is unable to make Major Policy Decisions and any major policy decision made during the election period is deemed to be invalid under the Act and may be compensable.

2.1.3 Extraordinary Circumstances

If Council considers that there are extraordinary circumstances which require the making of a major policy decision during the Election Period that in doing so would breach the Act, the Council may apply in writing request an exemption from the Minister for Local Government.

2.2 Council Meetings

Scheduled Council meetings will continue to take place during the Election Period. However, the following adjustments will be made to the Agenda:

- (a) Public Question Time will be suspended;
- (b) Notice of Motions will not be allowed;
- (c) Councillors will limit their discussion during debate to the topic under consideration and will avoid raising Electoral Matter; ~~and~~
- (d) Reports for the consideration of Council will be referred to the CEO for approval before inclusion on the meeting agenda.

Councillors are prohibited from promoting their election campaign or individual policy positions during any Council meeting.

(e)

Council officers are prohibited from approaching Councillors leading up to an election in attempt to gain an advantage or benefit in exchange for a formal decision to be made by Council.

3. Application of Resources

3.1.1 The use of Council resources, including, but not limited to, vehicles, staff, services, property, equipment, stationery, ~~IP~~, websites, social media and hospitality for any Council, Federal or State election campaign purposes is prohibited.

3.1.2 Where the use of Council resources appears to relate to the election campaign of a Councillor standing in or for re-election, the matter must be referred to the CEO or their delegate.



3.1.3 In accordance with section 304 of the Act, a Councillor or Council officer must not use Council resources in a way that is intended to or is likely to affect the result of an election under this Act.

3.1.4 A Councillor or Council officer must not use Council resources to intentionally or recklessly print, publish or distribute or cause, permit or authorise to be printed, published or distributed any electoral material during the Election Period on behalf of, or purporting to be on behalf of, the Council unless the electoral material only contains information about the election process or is otherwise required in accordance with, or under, any Act or regulations.

~~3.1.5 A Councillor or Council officer must not at any time intentionally or recklessly disclose, information they know, or should reasonably know is confidential, use or release information provided to them in the course of their role which is confidential.~~

~~3.1.53.1.6 A Councillor or Council officer must not place any election materials on or in any Council owned or operated facilities or land.~~

4. Candidacy

A Councillor or Council officer must not use Council resources for candidacy, or any purpose that may be perceived as being used either as an individual or political party. This applies to a Councillor or Council officer standing in a Council, Federal or State election, and for any other elected position, for example, positions on boards. Such use would constitute misuse of position.

5. Federal and State Government Elections

5.1.1 Councillor will ensure there is a demonstrable distinction between their obligations to Council and their personal interests as a candidate, or member of a political party, in an election period prior to or during a Federal or State election.

~~5.1.2 — Once a Councillor or Council officer becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as a candidate in a Federal or State election, they must ~~is a 'Prospective Candidate'~~ will provide written advice to the CEO, as 5.1.2 ~~soon~~ as practicable. The CEO will then advise all Councillors.~~

6. Public Consultation and Council Events

6.1.1 Public consultation activities may be necessary during the election period to ensure that the community is continuing to be consulted in decision making processes. Where it is within Council's control to do so, Council will seek to avoid actions which will require Councillor or Council officer public consultation during the election period. Councillors and Council officers will not attend or be involved in public consultation.

6.1.2 Any public consultation will avoid express or implicit links to the election.



7 Council Events

Council will ensure that any significant Council events are scheduled to occur outside the election period. Where a Council event must be held during the election period, Councillor involvement will be minimised.

8. Council Publications

8.1 Prohibition on Publishing Material during the Election Period

8.1.1 The Chief Executive Officer will only certify electoral advertisements and information about the election process.

8.1.2 A Councillor or Council ~~Officer-officer~~ will not print, publish or distribute, or be involved in the printing, publishing or distribution of an electoral advertisement, handbill, pamphlet or notice during the election period if the electoral advertisement, handbill, pamphlet or notice has not been certified by the Chief Executive Officer.

8.2 Certification of Publications

8.2.1 ~~Local E~~lection process publications which require certification include:

- (a) Brochures, pamphlets, handbills, flyers, magazines and books;
- (b) Reports (other than Agenda papers and Minutes);
- (c) Advertisements and notices, except newspaper notices of Meetings;
- (d) New website material;
- (e) Social media publications ~~(which includes Facebook and Twitter posts and video footage)~~ or social media posts;
- (f) Emails with multiple addresses, used for broad communication with the community;
- (g) Mass mail outs or identical letters sent to a large number of people by or on behalf of the Council;
- (h) Media releases;
- (i) Material to publicise a function or event; and
- (j) Any publication or distribution of Councillor's speeches.

8.2.2 Application should be made to the Chief Executive Officer who will seek certification of the publication of election advertisements.

8.2.3 Copies of all certified documents and applications will be retained for three (3) years by the City of Whittlesea.

8.3 Prohibited Material

'Electoral matter' is taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- (a) The election;
- (b) A candidate in the election; or



- (c) An issue submitted to, or otherwise before, the voters in connection with the election.

It's therefore likely that "electoral matter" will include material which:

- (d) Publicises the strengths or weaknesses of a candidate;
- (e) Advocates the policies of the Council or of a candidate;
- (f) Responds to claims made by a candidate; or
- (g) Publicises the achievements of the elected Council or particular Councillors.

8.4 Council Publications Including Councillor Information

Council publications printed, published or distributed during the local election period will not include any reference to individual Councillors, unless Council is legally obliged to include any such reference.

8.5 Website

8.5.1 Councillor contact information will remain available on the website during the local election period, but Councillors' profiles will be removed.

8.5.2 Any news published on Council's website during the local election period must be certified by the Chief Executive Officer.

8.6 Annual Report

8.6.1 Council is required to produce and put on public display a copy of its Annual Report. The Annual Report may be published by the CEO, or delegate during the election period. The Annual Report will not contain any electioneering or material that could promote individual Councillors.

8.6.2 The Annual Report does not require certification by the CEO; however, any publication of an extract or summary of the Annual Report will require certification.

8.7 Council and Committee Agendas and Minutes

Agenda papers and Minutes of Council and Committee Meetings ~~do not~~ require certification by the CEO, or delegate, ~~unless they are prior to being~~ printed or published for wider distribution.

8.8 Social Media

8.8.1 Any publication on social media sites including Facebook, ~~Twitter~~, blogs and wiki pages during the local election period must be certified by the CEO, or delegate.

8.8.2 Staff responsible for administering Council's social media sites will monitor them during the local election period and use moderation features where available to ensure no electoral matter is posted.



9. Council Resources

9.1 Application of Resources

9.1.1 Council resources, including email addresses, photos, offices, vehicles, staff, hospitality, services, property (including intellectual property), equipment and stationery must be used exclusively for normal Council business during the election period and must not be used in connection with any election campaign or issue.

9.1.2 Any Councillor misusing their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or any other person or to cause or attempt to cause detriment to Council or another person may breach section 76D of the Act. Circumstances involving the misuse of a position include using public funds or resources in a manner that is improper or unauthorised may be prosecuted.

9.1.29.1.3 Any Council officer misusing their position to gain or attempt to gain, directly or indirectly, an advantage for themselves or any other person or to cause or attempt to cause detriment to Council or another person may breach the Employee Code of Conduct. Circumstances involving the misuse of a position that is improper or unauthorised may result in disciplinary action.

9.2 Role of Executive Assistant to Mayor and Councillors

The ~~Mayor's~~ Executive Assistant to Mayor and Councillors cannot be asked to undertake any tasks connected directly or indirectly with a Councillor's election campaign.

9.3 Use of Council Equipment by Councillors

Councillors (including those standing for re-election) must give back all Council owned equipment (such as laptops, printers, security passes etc.) prior to 6pm on the day of the local election. The timing is to be agreed prior to the election period. Councillors standing for re-election must not use Council equipment such as printers as a resource to assist with election campaigns.

9.4 Councillors Entitlement to Reimbursement

Reimbursements of Councillors' out-of-pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties and not for expenses that support or relate to a candidate's election campaign.

9.5 Council Branding

Council logos, letterheads, or other corporate branding or intellectual property must not be used for, or linked in any way to, a candidate's election campaign.

9.6 Officers' Discretion Reporting

Where the use of Council resources appears to relate to the election campaign of a Councillor standing for election or re-election, the matter must be referred to the CEO or Delegate.

10. Media Services

10.1 Restriction on Services

10.1.1 During the election period, the Council's Public Affairs and Customer Service Departments' services must not be used in any way that might promote a Councillor as an election candidate.



10.1.2 Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and is subject to CEO, or delegate approval and certification.

10.2 Media Releases/Spokespersons

10.2.1 Media releases will minimise references to specific Councillors and will not promote a Councillor as an election candidate. The CEO or Delegate will be referenced instead.

10.2.2 All Media releases and statements will require must be certification certified by the CEO or delegate.

10.3 Councillors

Councillors will not use their position as elected representatives or their access to Council Officers and other Council resources to gain media attention in support of an election campaign.

Councillors are strongly encouraged to take formal leave of absence well before the commencement of campaigning in parliamentary elections in order to both avoid the risk of breaching conflict of interest and misuse of position provisions in the Act.

10.4 Council Employees

In accordance with the staff Employee Code of Conduct, during the election period, no Council employee may make any public statement that relates to an election issue unless prior approval has been obtained from the CEO or Delegate.

Council employees will not use their position or their access to other Council employees and other Council resources to gain media attention in support of an election campaign.

11. Assistance to Candidates

11.1 Role of Returning Officer

All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the VEC / AEC Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the CEO or Delegate.

11.2 Candidate Information

11.2.1 ~~Council~~ The VEC will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.

11.2.2 Candidates will complete a Nomination Form, which will be available from the VEC Returning Officer, accompanied by the prescribed nomination fee.

11.2.3 Candidates will complete and submit an Election Campaign Donation Return in the prescribed form within 40 days after election day to the Chief Executive Officer. The return must contain details of any campaign donation or gift valued at more than the gift disclosure threshold (currently \$500 as at June 2022) which was received between the date 30 days after the previous election and the date 30 days after the current election.



11.3 Access to Information & Candidate Information

- 11.3.1 A Councillor may continue to access Council information only as it is necessary for them to perform their role as a Councillor.
- 11.3.2 All election candidates have equal rights to Council information relevant to their election campaign from the Council administration in accordance with the Council's Public Transparency Policy and the *Freedom of Information Act 1982* ~~(Vic)~~.
- 11.3.3 Neither Councillors nor Candidates will receive information or advice from Council officers that may improperly advantage Candidates in the election.
- 11.3.4 Council will provide Candidates with a copy of a Councillor Candidate Information Kit (if any) produced by the Victorian Electoral Commission to assist them in running and nominating for Council.

11.4 Information Request Register

The Governance team will maintain and publish and Information Request Register during the Election Period.

12 Staff member as a candidate

- 12.1.1 Section 34 of the Act prohibits a person who is a staff member of Whittlesea City Council serving as a Whittlesea City Council Councillor.
- 12.1.2 Under ~~Section s~~ 256(8) of the Act a member of Staff is not prevented from nominating as a candidate at an election if for the duration of the Election Period for that election if:
- (a) the person has taken leave from that office or position; and
 - (b) the person does not perform any of the duties of that office or position.
- 12.1.3 A Staff ~~m~~Member cannot take the oath or affirmation of office as a Whittlesea City Council Councillor unless they resign from that office or position before taking the oath or affirmation of office.
- 12.1.4 In the event that a Council officer nominates as a candidate for a Council, Federal or State election, the officer will immediately notify their Director or Executive Manager in writing with a copy to the Executive Manager Office of Council & CEO. On receiving such notice the relevant manager will enter into an agreed work plan with the staff member to ensure:
- There is no conflict of interest between the staff member's duties as a Council employee or access to information and their role as an election candidate;
 - The staff member does not have access to information that would place them at an advantage over other candidates in the election; or
 - No Council resources are used in support of the staff member's candidacy.
- 12.1.5 The agreed work plan must be approved by the relevant Director and forwarded to the CEO and Executive Manager Office of Council & CEO.



Definitions

Where terms used in this Policy are defined in the *Local Government Act 2020* (Act), their use in this Policy is consistent with the definitions in the Act.

Words	Meaning/Definition
Act	means the <i>Local Government Act 2020</i> (Vic).
Candidate	means a person who is nominated to stand for a Council, Federal or State election.
Chief Executive Officer	means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.
Community Consultation	means the process in which City of Whittlesea and Municipal Community connect with each other to exchange views, ideas and information to: <ul style="list-style-type: none"> (a) inform decisions; (b) build capacity; and (c) strengthen relationships.
Councillor	A person who holds the office of Member of Council or a person appointed as an Administrator for City of Whittlesea who performs the role of a Councillor for the purposes of section 28 of the Act.
Councillor Candidate Information Kit	means the Councillor Candidate Information Kit provided by the Victorian Electoral Commission.
Council Meeting	means a Council meeting that complies with the Act.
Delegate	means a Director or Executive Manager as appointed.
Election Day	means the day of an election as determined under the Act.
Election period	has the same meaning as 'election period' in section 3(1) of the Act and means the period that starts on the last day on which nominations for that election can be received and ends at 6pm on election day.
Electoral advertisement, handbill, pamphlet or notice	means any document that is produced for the purpose of communicating with the community and which contains electoral matter, such as: <ul style="list-style-type: none"> (a) Newsletters and other circulars (including those sent by email); (b) Media releases; (c) Leaflets, pamphlets, handbills, flyers, magazines and brochures; (d) Any new email, web based publications or social media posts; and (e) Mailouts to multiple addresses.
Electoral Material	means an advertisement, handbill, pamphlet or notices that contains Electoral Matter, but does not include an advertisement that is only announcing the holding of a meeting.
Electoral Matter	means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election. Electoral matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on: <ul style="list-style-type: none"> (a) the election; or (b) a candidate in the election; or (c) an issue submitted to, or otherwise before, the voters in connection with the election



Inappropriate decisions	Includes any of the following: (a) decisions that would affect voting in an election; or (b) decisions that could reasonably be made after the election.
Information Request Register	This Information Request Register will be a public document that records all requests relating to Electoral Matters and non-routine requests for information by Councillors and Candidates, and the responses given to those requests.
Member of Council Staff	means a natural person appointed by the Chief Executive Officer (other than an independent contractor under a contract for services or a volunteer) to enable: (a) the functions of the Council to be carried out; and (b) the Chief Executive Officer to carry out their functions. The Chief Executive Officer is also a member of Council Staff.
Public consultation	A process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.
Publish	means publish by any means including by publication on the internet.
Major Policy Decision	Is defined by the Act to mean a decision (a) Relating to the employment or remuneration of a CEO, other than a decision to appoint an acting CEO; (b) To terminate the appointment of a CEO; To enter into a contract the total value of which exceeds 1% of Council's total revenue from rates and charges in the preceding financial year.
Significant decision	In the context of this policy, significant decisions include: (a) decisions that may irrevocably commit the incoming Council to substantial expenditure or to other significant actions; and (b) decisions that may have an irrevocable and significant impact on the municipality or a significant section of the community.

3.2 Councillor Social Media Policy

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Manager Communications & Engagement

In Attendance: Manager Communications & Engagement

Executive Summary

The purpose of this report is to seek Council's endorsement for the adoption of a new Councillor Social Media Policy that will assist Councillors in effectively communicating with the City of Whittlesea community.

As part of recent local government reforms it was recommended that councils adopt a Councillor Social Media Policy to ensure Councillors can confidently participate in social media if they choose to, manage and mitigate risks associated with the channel and ensure adherence to the requirements of the Model Councillor Code of Conduct.

The Policy which provides guidance on how to use social media effectively to maximise community engagement, while balancing community expectations and reputational risk.

This Policy is based on the Victorian Local Governance Association (VLGA) model Councillor Social Media Policy.

Officers' Recommendation

THAT Council endorse the Councillor Social Media Policy.

Background / Key Information

Social media can be a powerful tool to maintain connections between Councillors and members of the public.

The Councillor Social Media Policy provides guidance on its appropriate use and specific provisions which must be observed to ensure compliance with the Model Councillor Code of Conduct which requires Councillors act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government and or bring discredit upon the Council.

Used well, social media can be used by Councillors to:

- strengthen community engagement;
- foster transparency and trust;
- provide a trusted voice in the social media environment;
- distinguish the role of the individual Councillor from that of the Council;
- provide another avenue to contact the Councillor directly; and
- enable Councillors to hear from members of the community that may otherwise be difficult to reach.

Councillor social media use also presents risks for Councillors, including:

- potential ambiguity as to whether you are speaking as an individual or on behalf of Council;
- exposure to trolling, cyberbullying and other abusive behaviour;
- the creation of a platform for the dissemination of misinformation;
- the creation of an expectation about the 24/7 availability of a Councillor;
- a significant administrative workload associated with managing a platform;
- the risk of inadvertently disclosing confidential information; and
- an exposure to legal liability.

This policy provides guidance to minimise and mitigate these risks.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Connected Communities

We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

Used effectively social media can be a useful tool foster communication between councillors and the community.

Considerations of *Local Government Act (2020)* Principles

Community Consultation and Engagement

The Policy supports Councillors to safely connect and engage with their local community through online platforms.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

- (i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (b) Council information must be publicly available unless—
 - (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.

Council Policy Considerations

Environmental Sustainability Considerations

Connecting online is an environmentally sustainable alternative to traditional paper-based communication means.

Social, Cultural and Health

Used effectively social media can be a useful tool to foster communication between Council and Community.

Economic

No implications.

Legal, Resource and Strategic Risk Implications

This Policy is to be read in conjunction with the Model Councillor Code of Conduct, the Councillor Communications Policy, the Election Period Policy and the *Local Government Act, 2020*.

Implementation Strategy

Communication

The endorsed Policies will be uploaded to the City of Whittlesea's website to ensure public transparency.

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Attachments

1. Councillor Social Media Policy [3.2.1 - 8 pages]



Councillor Social Media Policy

Policy statement

Social media is a powerful tool to maintain connections between Councillors and members of the public. The use of social media can foster an environment of open communication between Councillors and the municipal community.

Purpose

The Councillor Social Media Policy outlines the benefits and risks of social media use by Councillors and provides guidance on its appropriate use and specific provisions which must be observed.

Used well, social media can be used by Councillors to:

- strengthen community engagement
- foster transparency and trust
- provide a trusted voice in the social media environment
- distinguish the role of the individual Councillor from that of the Council
- provide another avenue to contact the Councillor directly
- enable Councillors to hear from members of the community that may otherwise be difficult to reach.

Councillor social media use may also presents risks for Councillors, including:

- uncertainty as to whether you are speaking as an individual or on behalf of Council
- the exposure to trolling, cyberbullying and other abusive behaviour
- the creation of a platform for the dissemination of misinformation
- the creation of an expectation about the 24/7 availability of a Councillor
- a significant administrative workload associated with managing a platform
- the risk of inadvertently disclosing confidential information
- an exposure to legal liability.

Alignment to Whittlesea 2040

The Councillor Social Media Policy primarily guides Council's work toward the following Goal as outlined in *Whittlesea 2040: A place for all: **Connected Community***

Additionally, this Policy should be read in conjunction with:

- City of Whittlesea Model Councillor Code of Conduct
- City of Whittlesea Councillor Communications Policy
- City of Whittlesea Election Period Policy
- *Local Government Act 2020*.

Overarching Governance Principles

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This Policy is based on the Victorian Local Governance Association Councillor Social Media Policy which aims to support councillors in the use of social media and strengthen good governance practices. The development of this Policy considered the *Local Government Act 2020's* Overarching Governance Principles and the following were applied:

Lawful	<input checked="" type="checkbox"/>	Community engagement	<input type="checkbox"/>	Financially viable	<input type="checkbox"/>
Best community outcome	<input type="checkbox"/>	Innovation & improvement	<input type="checkbox"/>	Consistent with government plans	<input checked="" type="checkbox"/>
Sustainable	<input type="checkbox"/>	Collaboration with government bodies	<input type="checkbox"/>	Transparent	<input checked="" type="checkbox"/>

Gender Equality, Climate Change, Human Rights and Child Safe Compliance All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities, Gender Equality Act, Climate Change Act* and the Child Safe Standards.

Definitions **confidential information** has the same meaning as at section 3 of the Local Government Act 2020 (Vic)

- **health information** has the same meaning as at section 3 of the Health Records Act 2001 (Vic)
- **social media** means online interactive technologies through which individuals, communities and organisations can share, co-create, discuss, and modify user-generated content or pre-made content posted online. This includes but is not limited to:
 - social networking websites (such as Facebook, LinkedIn, Yammer, Threads)
 - video and photo sharing websites (such as Flickr, Instagram, Snapchat, TikTok, Vimeo, YouTube)
 - blogs, including corporate blogs and personal blogs
 - blogs hosted by media outlets (for example 'comments' on news articles)
 - micro-blogging (such as Mastadon, Truth Social, X)
 - wikis and other online community generated forums (such as Wikipedia)
 - forums, discussion boards and groups (such as Google groups)
 - vodcasting and podcasting
 - group messaging technologies/apps (such as WhatsApp, SMS)
 - streaming platforms (such as Twitch, Mixer)
 - geospatial tagging (such as Foursquare, Facebook checkin);

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- any other tool or emerging technology that allows individuals to publish or communicate in a digital environment (excluding website content).
- **Model Councillor Code of Conduct** has the same meaning as at section 3 of the *Local Government Act 2020*
- **personal information** has the same meaning as at section 3 of the *Privacy and Data Protection Act 2014*

Councillor social media

Councillors are under no obligation to maintain a social media presence.

Councillors who choose to maintain a social media presence:

- do so of their own volition
- have a right to express an independent view consistent with the Charter of Human Rights and Responsibilities Act 2006 but they are required to state they are expressing individual views and not that of the Council
- acknowledge that they are required to adhere to the Model Councillor Code of Conduct.

Councillors who choose to maintain a social media presence are responsible for:

- compliance with this policy
- administration of the social media platform
- moderation of community content and comment
- compliance with the terms of service of the social media platform in use.

The provisions applicable to Councillor social media also apply to a social media presence operated by another person who, with the Councillor's authorisation, administers, moderates, or uploads content on the Councillor's behalf.

Council resources and support

Councillors who choose to maintain a social media presence will be provided with:

- technical support for Council provided hardware
- training in social media obligations as part of the mandatory Councillor induction and ongoing professional development programs
- generic collateral (such as graphics, images and suggested copy) that promotes Council programs
- access to Council's employee assistance program - a voluntary and confidential service designed to assist Councillors with personal concerns that affect their personal wellbeing and/or performance as a Councillor.

Councillors will not be provided with:

- technical or other support for the use of social media platforms
- social media monitoring or reporting services
- legal advice regarding social media content posted as an individual.

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Councillors must not use Council resources, including Council facilities, computer equipment, smartphones and internet connections for social media activity:

- to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person
- to cause, or attempt to cause, detriment to the Council or another person or entity
- to cause, or attempt to cause, detriment to the Council or another person or entity in a way that is intended to, or is likely to, affect the result of an election under the *Local Government Act 2020*
- in a way that is intended to, or is likely to, affect the result of an election for a state or federal parliament
- in the furtherance of private business or commercial activity.

Good faith behaviour

The Model Councillor Code of Conduct requires that Councillors act with integrity, exercise reasonable care and diligence and take reasonable steps to avoid any action which may diminish the public's trust and confidence in the integrity of local government and or bring discredit upon the Council.

For Councillors who maintain a social media presence this means:

- not posting content which could be perceived to be an official comment on behalf of the Council (noting that Councillors are free to link or re-post social media content that has been published by the Council, including the addition of their own perspective or commentary)
- not creating a social media presence purporting to represent a Council auspiced entity, such as an advisory committee, reference group, steering committee or similar
- not posting anonymously, or by using a fake or intentionally misleading identity
- not engaging in trolling, harassment, personal attacks or similar behaviour
- not intentionally publishing misinformation, falsehoods or misleading material
- not engaging in doxing (*the action or process of searching for and publishing private or identifying information about a particular individual on the internet, typically with malicious intent*)
- not engaging in cyberbullying
- not publishing defamatory material.

Freedom of expression

Councillors enjoy the human right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds, subject to any lawful restrictions reasonably necessary.

Subject to this part, Councillors are free to express an independent view on social media, provided it is made clear to the audience that it is their personal view and does not represent the Council. This includes, but is not limited to:

- expressing a personal view that differs from that of the Council
- stating a desire for change to a Council policy or position

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- expressing an opinion on a matter that is to come before the Council (without expressing a pre-determined decision)
- encouraging members of the public to participate in the decision-making process
- expressing disappointment or dissatisfaction or stating that they do not support a Council position or decision
- explaining why they voted on a matter in the way that they did in a meeting that was open to the public
- otherwise engaging in robust public debate.

Councillors must not post content on their social media that, if posted, would be contrary to the Model Councillor Code of Conduct in that it:

- could reasonably be perceived to be an official comment on behalf of the Council where the Councillor has not been authorised to make such a comment in accordance with the Councillor Communications Policy
- is demeaning, abusive, obscene, threatening or of a sexual nature
- intentionally causes or perpetuates stigma, stereotyping, prejudice or aggression against a person or class of persons
- constitutes discrimination or vilification
- undermines the council when applying the council's community engagement policy to develop respectful relationships and partnerships with traditional owners, Aboriginal community-controlled organisations, and the Aboriginal community
- undermines the council in fulfilling its obligation under the Act or any other Act (including the *Gender Equality Act 2020*) to achieve and promote gender equality
- is not in line with the Council's policies and procedures as a child safe organisation and obligations under the *Child Wellbeing and Safety Act 2005* to the extent that they apply to Councillors
- adversely affects the health and safety of other persons
- would bring discredit upon the council
- would deliberately mislead the council or the public about any matter related to the performance of the councillor's public duties
- makes council information publicly available where public availability of the information would be contrary to the public interest
- expressly or impliedly requests preferential treatment for themselves or a related person or entity
- is otherwise contrary to the Model Councillor Code of Conduct.

Councillors must not post content on their social media where publication would be contrary to law, including, but not limited to:

- the *Local Government Act 2020* insofar as it relates to misuse of position, including the disclosure of confidential information
- the *Privacy and Data Protection Act 2014*, insofar as it relates to the disclosure of personal information

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- the *Health Records Act 2001*, insofar as it relates to the disclosure of health information
- the *Defamation Act 2005* in a manner that constitutes defamation
- the *Copyright Act 1968* (Cth), in a manner that constitutes an infringement of copyright
- the *Summary Offences Act 1966*, in a manner that is obscene, indecent or uses threatening language and behaviour
- the *Crimes Act 1958* (Vic), in a manner that constitutes stalking
- the *Criminal Code Act 1995* (Cth), in relation to the use of a carriage service to menace or harass.

Councillors shall not post content that creates a reasonable apprehension of bias which could be perceived to impact impartiality in relation to matters to subject to, or potentially subject to, Council decisions.

Customer requests

From time to time, Councillors may receive service requests, complaints, feedback or other correspondence intended for the Council (customer requests) from members of the public via social media channels.

The receipt and handling of customer requests is an operational function of the Council. Councillors in receipt of customer requests:

- may pass on customer requests that do not contain personal information to Council's centralised customer request handling process
- may provide the customer with details of the Council's official communication channels;
- may refer a customer to Council's website which sets out the official communication channels; or
- may determine to take no action.

Councillors shall not solicit customer requests or otherwise encourage members of the public to bypass the Council's official customer service channels.

Moderation of community content

Councillor social media pages are not official communication channels of the Council and are privately hosted by individual Councillors.

- Councillors have an absolute right to moderate community content on their social media platforms, including comments, reactions and other contributions.
- Councillors must remove community content that, if published by the Councillor, would be contrary to the Model Councillor Code of Conduct.
- Councillors have an absolute right to block or ban persons from their social media platform at their sole discretion.

Record keeping

Councillors are not required to maintain records of social media content for record-keeping purposes.

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Clarification statements

Any online/social media channels used by a Councillor are not considered an official Council channel. Council's logo and branding must not be used on any social media sites established by a Councillor (VCAT has determined that where a Councillor uses a social media channel for a mixture of personal and Council purposes, the content may be regarded as having been published by a Councillor in their capacity as a Councillor, thereby engaging the Model Councillor Code of Conduct).

- Councillors who maintain a social media presence must ensure their profile clearly states that it is not an official platform of the Council and that they are speaking in an individual capacity. For example:
This page is hosted by me in my capacity as an individual. This is not an official page of [Council name] and should not be used for making service or maintenance requests or otherwise contacting Council. Council can be contacted at [link to Council's website].
- Councillors who use their social media profile to post into community groups or make comment on Council matters must ensure their profile makes it clear that they are speaking in an individual capacity, and not on behalf of the Council. For example:
The views expressed made on this social media platform are my own and not that of the Council.
- Councillors who enable community content on their social media presence should include a statement asserting the Councillor's right to control access to the page and to moderate third-party content. For example:
As the host of this page, I endeavour to maintain a safe, positive space for the discussion of Council issues and I reserve the right to hide or delete content and to block or ban users.
- Councillors who use their social media presence to publish electoral material must include an authorisation statement on every piece of electoral matter in accordance with the *Local Government Act 2020*. Councillors may not use a Council address for this purpose.

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Related documents

- Model Councillor Code of Conduct
- *Local Government Act 2020*
- Councillor Communications Policy 2023
- Election Period Policy
- Privacy and Data Protection Policy
- *Copyright Act 1968 (Cth)*
- *Criminal Code Act 1995 (Cth)*
- *Crimes Act 1958*
- *Defamation Act 2005*
- *Equal Opportunity Act 2000*
- *Freedom of Information Act 1982*
- *Health Records Act 2001*
- *Local Government (Governance and Integrity) Regulations 2020*
- *Privacy and Data Protection Act 2014*
- *Summary Offences Act 1966*

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3.3 Updated Councillor Communications Policy

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Manager Communications & Engagement

In Attendance: Manager Communications & Engagement

Executive Summary

The Councillor Communication Policy supports the delivery of exemplary external communications with the diverse City of Whittlesea community through media and communication channels.

The Policy articulates the roles of Mayor, Councillors, CEO, members of the executive, the Public Affairs Department and Council staff in the delivery of impactful external communications to effectively engage the City of Whittlesea community.

The Policy is underpinned by principles of accessibility, inclusivity, transparency, timeliness, responsiveness and accuracy.

The Councillor Communication Policy was adopted by Council on 19 September 2023 and articulates important information about the roles and responsibilities in relation to spokespeople and the use of Council's external communication channels.

Since that time there have been some changes to the state legislative framework, including the Model Councillor Code of Conduct, and amendments to the *Local Government Act*. Additionally, as part of recent local government reforms it was recommended that councils adopt a Councillor Social Media Policy to ensure Councillors can confidently choose to participate in social media while still adhering to the requirements of the Model Councillor Code of Conduct.

As a result, the Councillor Communication Policy has been updated to reflect both the legislative changes and the recommendations in the Councillor Social Media Policy.

This report seeks Council endorsement for the updated Councillor Communications Policy.

Officers' Recommendation

THAT Council endorse the update to the Councillor Communications Policy.

Background / Key Information

The Councillor Communications Policy is underpinned by the following principles:

- the City of Whittlesea commits to providing information that is accurate, transparent, and responsive through public forums and communication channels;
- a broad mix of communication channels will be utilised to inform the community of Council decisions, services, events, initiatives and foster civic pride and participation;
- communication will be inclusive, tailored for the diverse community of Whittlesea, and presented in an accessible format;
- external communication will demonstrate a strategic approach encompassing audience, desired outcomes, efficacy of channels, community impact, risk, government relations, reputation management and legal considerations; and
- external communication will not be used for the promotion of individual Councillors or political parties or affiliations for political advantage.

Minor changes have been made to the Councillor Communications Policy to ensure that it reflects best practice and current information and advice to enable councillors to communicate effectively with the City of Whittlesea community.

These changes reflect changes to the legislative framework and include:

- updates to definitions;
- ensuring clarity around the intent of media responses to ensure the best interests of Council;
- clarification about the role of spokesperson; and
- detailed advice on the use of social media has been removed as it is now included in the Councillor Social Media Policy.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Connected Communities

We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

High Performing Organisation

We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

Considerations of *Local Government Act (2020)* Principles

Community Consultation and Engagement

The Policy supports Councillors to safely connect and engage with their local community.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

- (i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (b) Council information must be publicly available unless—
 - (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.

Council Policy Considerations

Environmental Sustainability Considerations

Council’s communication activities support our W2040 goal of a sustainable environment by seeking to reduce printed materials where possible and considering the environmental impact of any communication activities.

Social, Cultural and Health

Council’s communications activities support our W2040 connected community goal through the delivery of open, accessible and inclusive communications. Ensuring the community is informed and engaged is essential to building trust, increasing community connectedness and encourage participation in the local community.

Economic

Council’s communication activities support our W2040 goal of a strong local economy by informing and connecting the community with business and encouraging local spending and investment.

Legal, Resource and Strategic Risk Implications

The Councillor Communications Policy is to be read in conjunction with the Model Councillor Code of Conduct, the Councillor Social Media Policy, the Election Period Policy and the *Local Government Act, 2020*.

Implementation Strategy

Communication

The updated Policy will be uploaded to the City of Whittlesea’s website to ensure public transparency.

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Attachments

1. Updated Councillor Communications Policy [3.3.1 - 7 pages]



Councillor Communications Policy

Policy statement

The City of Whittlesea aims to ensure the delivery of clear, timely, transparent, responsive and accurate information in public forums and communication channels.

The Mayor and Councillors play an important role in supporting Council's communication to our community about our key priorities, programs, services and initiatives.

This policy ensures roles are clear and councillors and Council staff are empowered to deliver excellent external communication to the City of Whittlesea community in line with their roles, responsibilities, and obligations.

Purpose

The Councillor Communications Policy:

- a) provides a framework for the Mayor and Councillors to effectively use external communications to support the delivery of clear, timely, transparent, responsive, and accurate information to the community
- b) outlines appropriate communication activities for the Mayor and Councillors aligned to the Model Councillor Code of Conduct
- c) facilitates adherence to the Model Councillor Code of Conduct, in particular the standards of conduct required of a Councillor
- d) outlines the role outlines the role of the CEO, Executive, the Public Affairs Department and other Council staff.

During a Federal, State or Council election period this policy must be read in conjunction with the City of Whittlesea Election Period Policy.

Scope

This policy applies to all Councillors of the City of Whittlesea and relevant Council staff and contractors.

Alignment to Whittlesea 2040

This policy primarily guides Council's work toward the following Goal as outlined in *Whittlesea 2040: A place for all: High Performing Organisation & Connected Community*

Overarching Governance Principles

The development of this policy reflects consideration of the *Local Government Act 2020 (Act)* Overarching Governance Principles, and, in particular, the following:

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Lawful	<input type="checkbox"/>
Best community outcome	<input checked="" type="checkbox"/>
Sustainable	<input type="checkbox"/>

Community engagement	<input checked="" type="checkbox"/>
Innovation & improvement	<input type="checkbox"/>
Collaboration with government bodies	<input type="checkbox"/>

Financially viable	<input type="checkbox"/>
Consistent with government plans	<input checked="" type="checkbox"/>
Transparent	<input checked="" type="checkbox"/>

Gender Equality, Climate Change, Human Rights and Child Safe Compliance

All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities, Gender Equality Act, Climate Change Act* and the *Child Safe Standards*.

Definitions

In this policy, unless the context or subject-matter indicates otherwise:

- Act** means the *Local Government Act 2020*.
- Chief Executive Officer (CEO)** means the person appointed by Council to be its Chief Executive Officer, or any person acting in that position.
- Confidential Information** has the same meaning as in section 3(1) of the Act.
- Council** means Whittlesea City Council.
- Councillors** means the individuals holding the office of a member of Council or an appointed Administrator.
- Model Councillor Code of Conduct** has the same meaning as at section 3 of the Local Government Act 2020 (Vic)
- Council officer** means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
- Mayor** means the Councillor elected to the office of Mayor of Council, the Deputy Mayor if the Mayor is unavailable, any person appointed by Council to be Acting Mayor, or an appointed Chair of a Panel of Administrators.
- media** includes but is not limited to print, electronic and broadcast news/information outlets.
- online and social media** includes any digital space where individuals, communities and organisations can share, co-create, discuss, and modify user-generated content or pre-made content posted online., including but not limited to websites, Facebook, Instagram, LinkedIn, Twitter, YouTube and podcasts.

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Standards of Conduct

means the Standard of Conduct outlined in Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*.

Principles

Council aims to ensure the delivery of clear, timely, transparent, responsive and accurate information in public forums and communication channels.

Council will strive to communicate openly and honestly and to maximise public knowledge of our activities.

Communication is delivered in an accessible and inclusive format with consideration given to the City of Whittlesea's diverse community.

External communication is based on a considered strategy with a clear understanding of audience, desired outcome, appropriate channels, impacts on community, government relationships, reputation management and legal liability.

Council's external communication channels will be used to:

- a) inform the community of key Council decisions, services, programs, events and initiatives; and
- b) build civic pride; and
- c) promote transparency and accountability of Council's decision-making processes; and
- d) promote opportunities for community participation and engagement.

Council's external communication channels will not be used to promote individual Councillors.

In accordance with the Act, individual Councillors must not direct any Council officer in relation to communications activities.

Council's external communication channels will not favour any particular candidate or Councillor, political party or faction. Channels may be used to acknowledge funding contributions, advocacy outcomes or election commitments.

All external communications will be consistent with any adopted or established Council position. Where there is not a Council position, a Councillor must not portray that they are commenting on behalf of Council.

Media Relations

Council acknowledges the important role of the media to report on issues of interest to the community, including Council activities. Council will strive to maintain positive and respectful relationships with media outlets.

The Public Affairs Department is responsible for proactive and reactive media management. It will issue media releases, manage responses to media enquiries and be responsible for liaising with journalists.

Councillors should refer journalists to the Public Affairs Department to seek an official Council response to ensure messaging to community is consistent.

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Councillors should take all reasonable steps to ensure any public comment they provide as an individual is portrayed as their own and not as a representative of Council. Councillors should inform journalists *“These are my individual comments and opinions and not those of Council” (or similar)*.

All media responses on behalf of the Council will be prepared by the Public Affairs Department in collaboration with the relevant officers and approved by the relevant spokesperson.

Responses are to be in the best interests of Council and not for the personal advantage of any individual Councillor, ward or political party.

The Public Affairs Department is responsible for establishing and maintaining Council’s media profile.

Regular summaries of media coverage will be provided to Councillors, including transcripts and videos as appropriate.

Council will offer all Councillors media training, which will be included in the Councillor Training Plan.

Public comment and spokespeople

The Mayor (or a Councillor authorised by the Mayor) and/or Chief Executive Officer (or a Council officer authorised by the Chief Executive Officer) are the official spokespersons of Council.

The Mayor is the official spokesperson on strategic matters, resolved Council positions and decisions. The Mayor may authorise to the Deputy Mayor/s or another relevant Councillor to act as Council’s official spokesperson, as appropriate.

The CEO is the official spokesperson for Council operations, including staffing, organisation structure and issues relating to day-to-day service provision. The CEO is the official spokesperson for officer recommendations on matters prior to their endorsement at a Council Meeting. The CEO may authorise one of the Directors or Executive Managers (or in some circumstances other relevant Council officers) to act as Council’s official spokesperson on such issues, to ensure the most authoritative person on a particular issue provides public comment.

Individual Councillors wishing to initiate their own communication, through any channel including media, must make it clear that they are expressing their ‘individual’ view and not the ‘official’ view of Council. Councillors are responsible for ensuring that information they are commenting on or providing is accurate and consistent with legislation and policies.

Any public comment must not disclose confidential information.

Neither the Mayor nor Councillors must provide public comment on operational matters/staffing issues, relations between officers and Councillors, breaches of the Staff Code of Conduct or those matters set out in ss 46-49 of the Act.

Nothing in this policy precludes the Mayor from publicly announcing the appointment or reappointment of the CEO.

Media roles and responsibilities

Role	Responsibilities as spokesperson
Mayor	Official spokesperson on all strategic matters, resolved Council positions and decisions

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Deputy Mayor	Acts as the Mayor’s spokesperson if the Mayor is unavailable or the Mayor has authorised to be official spokesperson
Councillors	May speak publicly on behalf of Council if authorised by the Mayor Councillors speaking in their capacity as individual Councillors must make it clear they are expressing their ‘individual’ view and not the ‘official’ view of Council.
CEO	Official spokesperson on high-level operational matters or Council officer recommendations prior to Council consideration of an Officer Report
Directors and Executive Managers	Official spokespersons on operational matters when authorised by the CEO.
Public Affairs Department	Responsible for Council’s external and internal communication channels, including coordinating media responses and providing information to the media on behalf of Council
Other Council Staff	No media role unless requested to provide subject matter expertise to inform the formulation of a response to a media enquiry in line with the Staff Code of Conduct.

Promoting Council business

The Public Affairs Department is responsible for developing, approving and implementing Council’s external communications strategies.

Council’s communications will be apolitical and not used to promote any individual Councillor or Council officer views on agendas that are inconsistent with or contrary to those of Council.

Council decisions should be respected by individual Councillors as a collective. Councillors must not misrepresent any Council decision.

State and Federal politicians will only be represented through Council’s media and external communication strategies where necessary to reasonably inform the community of important news or as part of Council’s advocacy program.

It is the responsibility of the Mayor and Councillors to ensure that the messages they communicate on external channels are clear and consistent, accurate and factual and do not seek to deliberately harm the reputation of the Council or defame individuals.

Councillors as candidates

Council’s media activities and external communications are not to be used for political advantage by Councillors who are candidates in a Local, State or Federal Government election.

Councillors must abide by Council’s Election Period Policy.

Photography and videography

All Councillors will have an official Councillor portrait photograph to be used during their Councillor term. All official Councillor portraits will be up-to-date and consistent in their aesthetic, to present a

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unified and modern look, in line with corporate branding. Official Councillor portraits will be taken by a Council photographer within the first month of a new Council being elected.

Councillors cannot supply their own image to be used as the official Councillor portrait.

Official Councillor portraits remain the property of Council at the end of a Council term. These portraits must not be used in candidacy for State, Federal or Council elections.

High quality images/videography taken by or of Councillors (for example, at community events) may be passed to the Public Affairs Department for consideration for use in Council communications if Council's Photography and Videography Permission Form has been signed by people featured in the supplied photographs.

Council officers and contractors will only attend and take photographs/videography at official Council events, at the discretion of the Executive Manager Public Affairs. All photos taken will be required to have Council's Photography and Videography Permission Form signed.

The Public Affairs Department may supply Councillors with photographs/videography taken at official events, if deemed appropriate and appropriate authorisations have been obtained by people in the image/s.

Council-supplied photographs/videography must not be passed onto a third party for any purpose, without the written authorisation of the Executive Manager Public Affairs.

Copyright of images/videos remains with Council.

Speeches at events

The Mayor and/or CEO (or delegate) are the official spokespersons of Council at events. Council resources will support the preparation of speeches for the official spokesperson/s or delegate only.

Speeches will include an Acknowledgement of Traditional Owners.

Community newsletter

Council produces and distributes a regular publication for all households and businesses, to provide proactive and direct information to the community about Council decisions, policies, initiatives, services and events.

It must not be used for political purposes, to promote individual agendas, or criticise Councillors, Council decisions, community members, members of the Government or Opposition, or Council officers.

Websites

Council's websites are key digital communication tools that host a range of content specific to the services, events and programs offered by Council.

Councillors will each have a profile on Council's corporate website that features their contact information, a photograph, Council committee memberships and a short biography.

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Newsletters

Individual Councillor newsletters will not be produced or funded by the organisation and any unofficial newsletters produced by Councillors must not include the City of Whittlesea brand or logo.

Councillors must ensure that the information in any of their own produced material complies with the requirements outlined in this policy and is consistent with the Model Councillor Code of Conduct.

Social Media

Council will maintain a corporate social media presence. The posting of content and moderating posts on Council's official social media channels is the responsibility of the Public Affairs Department.

Councillors may choose to maintain a social media presence and it is to be managed in accordance with Councillors Social Media Policy.

Council's social media accounts will allow public comments during business hours but Council may choose to limit commenting at any time if it is deemed there is a high risk of defamatory, offensive or unreasonable content in a particular post.

The Public Affairs Department maintains the right to hide comments and block users that contravene social media guidelines as displayed on relevant channels.

Participants on Council's social media channels are also governed by Council's unreasonable complainant procedures.

Branding

Any use of the City of Whittlesea logo must be in accordance with Council's Brand Guidelines.

Contravention of this policy

Contravention of this policy by Councillors will be addressed through the Model Councillor Code of Conduct.

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4 Urgent Business

5 Confidential Business

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*.

Recommendation

THAT the Chair recommends that the meeting be closed to the public for the purpose of considering details relating to the following confidential matters in accordance with Section 66(2)(a) of the *Local Government Act 2020* as detailed.

6 Closure